

REMARKS/ARGUMENTS

The claims are 1-5. Claims 1 and 2 have been amended to better define the invention. Support for the claims may be found, *inter alia*, in the disclosure at pages 2-3. Reconsideration is expressly requested.

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by *U.S. Patent Application Publication 2003/0180572* to *Norito et al.* Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Norito et al.* in view of *U.S. Patent No. 4,847,135* to *Braus*.

With respect to the Examiner's rejection, essentially the Examiner's position was that *Norito et al.* discloses the friction bearing recited in the rejected claims except for the cover layer being covered by a sliding lacquer on the basis of graphite or molybdenum sulfide, which was said to be disclosed in *Braus et al.*. In the Examiner's view, it would have been obvious to one having ordinary skill in the art to modify *Norito et al.* and provide a layer on the cover layer which is a sliding lacquer on the basis of graphite or molybdenum sulfide, as taught by *Braus*

et al., for the purpose of improving the friction and sliding properties of the bearing.

According to the Examiner, the disclosure of *Norito et al.* that the running layer is between 10 and 20 μm and the wear amount is approximately 6 μm meets the limitation of Applicant's claim 1. The Examiner also asserted that unexpected wear to the running layer of *Norito et al.* could expose the slide layer and create a visible indication that the bearing needs to be changed.

This rejection is respectfully traversed.

As set forth in claim 1 as amended, Applicants' invention provides a bearing for reducing friction with a support shell and a slide layer made of a bearing metal which is applied to the support shell. The slide layer carries a cover layer. The average service life of the slide layer is used to calculate the initial thickness of the cover layer so that the cover layer will wear away at a time not later than the time at which the slide layer experiences metal breakage. In this way Applicants' invention provides a bearing which permits recognition of when a change in a bearing is necessary from the appearance of the bearing itself.

The primary reference to *Norito et al.* fails to disclose or suggest a bearing having a cover layer with an initial thickness calculated by the average service life of the slide layer so that the cover layer will wear away at a time not later than the time at which the slide layer experiences metal breakage. Rather, *Norito et al.* discloses a bearing with a cover layer that will be present when the slide layer experiences metal breakage and will wear away at a time only **after** the time that the slide layer experiences metal breakage.

Norito et al. discloses that the wear and tear to its bearing is at most 6 μm (and is often less than that -- examples of the invention 2-4 in Table 4 also disclose wear amounts of 5 μm , 4 μm , and 3 μm), for cover layers having an initial thickness between 10 and 20 μm . The thickness decrease of the cover layer of *Norito et al.* corresponds to the time at which fatigue breaking of the bearing occurs. (See the final column at the right of Table 4 of *Norito et al.*) Thus, with a beginning thickness between 10 and 20 μm , the bearing of *Norito et al.* always has a cover layer with a thickness of between 4 and 14 μm at the time the bearing or slide layer undergoes fatigue breaking or metal breakage. Thus, a user of the bearing of *Norito et al.* receives no warning from the appearance of the cover layer that

the slide layer will imminently undergo fatigue breaking. The cover layer of the bearing of *Norito et al.* will wear away at a time only **after** the time that the slide layer experiences metal breakage.

Norito et al. also fails to disclose or suggest that its cover layer could undergo unexpected wear and tear. Thus, contrary to the Examiner's response to Applicants' arguments, *Norito et al.* provides no disclosure or suggestion that its cover layer would unexpectedly wear out before the slide layer undergoes metal breakage due to fatigue.

Further, Applicants' bearing as recited in claim 1 as amended has a cover layer with an initial thickness that is calculated by the average service life of the slide layer. Any bearing that only through unexpected wear and tear of a cover layer reveals a slide layer does not have an initial thickness calculated by the average service life of the slide layer, as the initial thickness of the cover layer of the bearing of Applicants' bearing has, as recited in claim 1 as amended.

Applicants' bearing as recited in claim 1 as amended is also patentable over the prior art because it is a surprise that the

wear and tear of the cover layer can be viewed in connection with the fatigue of the bearing metal layer, in order to select the thickness of the cover layer over the slide layer in such a way that after the complete wear and tear of the cover layer, the service life of the bearing expires. In this connection, it should be additionally noted that not only the wear and tear of the cover layer, but also the fatigue of the slide layer, depend on the loading (stress) so that a sufficient determination of the end of the service life of the bearing metal layer is possible also at different loadings (stresses), based on the complete wear and tear of the cover layer. Therefore, the thickness of the cover layer is to be selected in such a way that after the complete wear and tear of the cover layer, the end of the average service life of the slide layer, and thereby the friction bearing, is directly imminent.

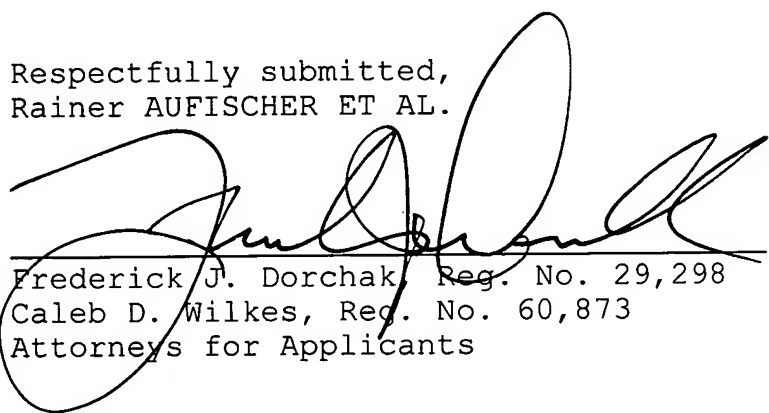
The deficiencies of the primary reference to *Norito et al.* are nowhere remedied by the secondary reference to *Braus et al.* *Braus et al.* contains no disclosure or suggestion of a cover layer over a slide layer, and also contains no disclosure or suggestion of a cover layer having the properties of Applicants' cover layer as recited in claim 1 as amended.

Accordingly, it is respectfully submitted that claim 1 as amended, together with claims 2-5, which depend directly or indirectly thereon, are patentable over the cited references.

In summary, claims 1 and 2 have been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,
Rainer AUFISCHER ET AL.

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802


Frederick J. Dorchak, Reg. No. 29,298
Caleb D. Wilkes, Reg. No. 60,873
Attorneys for Applicants

FJD:cmm

EXPRESS MAIL NO. EM 324 228 348 US

Date of Deposit: July 31, 2009

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above, and is addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Amy Klein